

Remarks

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1, 3-5, 7-9, 11-14, and 16-17 are pending in this application upon entry of this Amendment. The Applicant has amended independent claims 1, 5, 9, and 14 in this Amendment.

Claim Rejections – 35 U.S.C. § 112

In the final Office Action mailed on January 29, 2003 and in the Advisory Action mailed on March 7, 2003, the Examiner rejected claims 1, 3-5, 7-9, 11-14, and 16-17 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. The Examiner posited that in claim 1, lines 18-20, the claimed “wherein the off-board control system is arranged to set a variable operating value based on the information in the input signal and the information representative of vehicle usage” is ambiguous. The Examiner posited that neither the claim nor the specification specifically teach how the vehicle usage can be used at the off-board control system to set a variable operating value. The Examiner summed up the Examiner’s position by positing that it is not clear how the vehicle usage data should be used to set a variable operating value.

In response, the Applicant has amended all of the independent claims to more clearly recite that information regarding the usage of a vehicle device by an operator is used to set an operating parameter of a non-vehicle device corresponding to the vehicle device. For instance, amended claim 1 recites “wherein the off-board non-vehicle control system is arranged to set a value of the variable operating parameter for the non-vehicle device corresponding to the vehicle device based on the information in the input signal and the information representative of usage of the vehicle device by the operator.”

The Applicant respectfully believes that the amended claims and the specification specifically teach how an off-board non-vehicle control system sets a variable operating value for a non-vehicle system corresponding to a vehicle system based on (1)

information representative of an operator's preference for an operating parameter of the vehicle system and (2) information representative of usage of the vehicle system by the operator.

Paragraphs 0004, 0009, 0017, 0022, 0023, 0025, 0026, 0027, and 0028 of the specification disclose how an off-board non-vehicle control system sets a variable operating value of a non-vehicle system corresponding to a vehicle system based on an operator's preference for the variable operating value for the vehicle system and information representative of usage of the vehicle system.

Paragraphs 0004, 0009, and 0017 teach that operator preferences for a vehicle system can be transferred for use by non-vehicle systems. Paragraphs 0009 and 0017 teach an example of how a personalized music setting such as radio presets, climate settings, etc., in a vehicle can be transferred to a non-vehicle system such as the home.

Paragraphs 0023 and 0025 teach how new operator preference information of the vehicle system can be obtained. Paragraph 0027 teaches that information representative of how an operator accesses a non-vehicle system within a home environment may be stored in the portable storage device. Paragraph 0027 further teaches that, for example, information pertinent to the operator regarding recent home activities that relate to the areas of the operator's lifestyle such as music listening can be manually or transparently loaded into the portable storage device. Paragraph 0028 teaches that once this information is stored, operating parameters within a vehicle can be changed by an on-board vehicle control system using this information so as to provide an extended environment from the home to the vehicle.

As such, the specification teaches how information regarding an operator's home activities are monitored with such information being used to control an operating parameter in a vehicle. For example, the operator's preference may be to listen to news on the radio at a low volume. However, monitored information regarding the operator's recent home activities may indicate that the individual is now listening to the news on the radio at a high volume. The information regarding the operator's preference for a non-vehicle device (i.e., setting a home stereo to a news station) and the information regarding how the operator

uses the non-vehicle device (i.e., setting the volume of the home stereo at a high volume) may then be used to control a vehicle device (i.e., vehicle radio) corresponding to the non-vehicle device. In this case, the vehicle radio would be controlled to play the news station at a high volume. Accordingly, the specification generally teaches how the claimed invention allows systems such as non-vehicle system to be taught and adjusted accordingly to user's preferences and activities with the use of preference and pattern monitoring (see paragraph 0027).

Paragraph 0028 teaches the converse action between a vehicle system and a corresponding non-vehicle system such as a home system. Paragraph 0028 provides:

As within the home environment, the vehicle offers similar opportunities for a personalization storage device to acquire and use preference and pattern information related to vehicle usage. (Emphasis added.)

Accordingly, the specification teaches how “the off-board non-vehicle control system is arranged to set a value of the variable operating parameter for the non-vehicle device corresponding to the vehicle device based on the information in the input signal and the information representative of usage of the vehicle device by the operator.” Further, the amended independent claims recite that (a) the on-board vehicle control system is arranged to set the variable operating value of the vehicle system based on the information in the input signal; and (b) the off-board non-vehicle control system is arranged to set a variable operating value for a non-vehicle system corresponding to the vehicle system based on (1) the information in the input signal and (2) the information representative of usage of the vehicle system. Thus, the Applicant requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 112, 2nd paragraph.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 1, 3-5, 7-9, 11-14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,808,374 issued to Miller et al. (“Miller”) in view of U.S. Patent No. 4,658,371 issued to Walsh et al. (“Walsh”). The

Applicant believes that the claimed invention is patentable over any combination of Miller and Walsh and has amended each of the independent claims to more clearly recite thereover.

The claimed invention generally differs from any combination of Miller and Walsh in that the portable information storage device receives and stores information representative of usage of a vehicle system by the operator and that this information, along with information representative of a preferred operating parameter for the vehicle system stored in the portable storage device, is used by an off-board non-vehicle control system to set a variable operating parameter for a non-vehicle system corresponding to the vehicle system. As such, the claimed portable storage device provides information regarding usage of the vehicle system along with information representative of the preferred operating parameter for the vehicle system with such pieces of information being used by a non-vehicle off-board control system to set a variable operating value for a non-vehicle system corresponding to the vehicle system.

Accordingly, the claimed invention provides a more refined personalization between the vehicle and the non-vehicle environment such as a home. This is a result of the claimed invention taken into consideration information regarding the usage of the vehicle system as well as information representing a preferred operating parameter for the vehicle system when setting a variable operating value for a non-vehicle system corresponding to the vehicle system.

In the final Office Action, the Examiner posited that Miller teaches the claimed invention with the exception of teaching (1) storing the vehicle usage in the portable storage device, and (2) a non-vehicle interface arranged to set a variable operating value based on (a) the stored information in the portable storage device and (b) the information representative of vehicle usage. The Examiner posited that Walsh teaches storing the vehicle usage in a portable storage device (col. 4, lines 33-37); accessing information stored on the portable device by an off-board computer (col. 4, lines 41-44); and setting a variable operating value based on (a) the information in the portable device and (b) the vehicle usage information (col. 4, lines 48-61; col. 6, lines 41-49). The Examiner posited that it would have been obvious to store the

vehicle usage information to the portable storage device of Miller in order to provide off-board services such as filling fuel to the vehicle as taught by Walsh.

The Applicant respectfully believes that any combination of the teachings of Miller and Walsh do not result in the claimed invention for the following reasoning. In the claimed invention, the off-board non-vehicle control system sets a variable operating value for a non-vehicle system corresponding to a vehicle system based on (1) the information in the input signal and (2) the information representative of usage of the vehicle system. The information in the input signal is indicative of information representative of a preferred operating parameter for the vehicle system which can be set by an on-board vehicle control system. Accordingly, the off-board non-vehicle control system sets a variable operating value for the non-vehicle system based on (1) information representative of a preferred operating parameter for the vehicle system which can be set by an on-board vehicle control system and (2) information representative of usage of the vehicle system by the operator.

In contrast, the information stored in the portable storage device in Walsh includes information representative of vehicle usage but does not include information representative of a preferred operating parameter which can be set by an on-board vehicle control system. As such, with respect to the Examiner's position that Walsh teaches setting a variable operating value based on "the information in the portable device and the vehicle usage information" (page 3 of the final Office Action) the Applicant posits that "the information in the portable device" of Walsh is only "the vehicle usage information." Accordingly, such vehicle usage information does not include information representative of a preferred operating parameter which can be set by an on-board vehicle control system. Further, such vehicle usage information does not include information representative of operator usage of a vehicle system having a corresponding non-vehicle system.

As noted by the Examiner, Miller does not teach a non-vehicle interface arranged to set a variable operating value based on (a) the stored information in the portable storage device (which is the information representative of a preferred operating parameter which can be set by an on-board vehicle control system) and (b) the information representative

of vehicle usage. Therefore, the combination of Miller and Walsh does not result in the claimed invention as neither Miller nor Walsh, either alone or in combination, teach or suggest a non-vehicle interface arranged to set a variable operating value for a non-vehicle system corresponding to a vehicle system based on (a) information representative of a preferred operating parameter of the vehicle system which can be set by an on-board control system in addition to (b) information representative of usage of the vehicle system by the operator.

In view of the foregoing remarks, the Applicant believes that independent claims 1, 5, 9, and 14 are patentable over any combination of Miller and Walsh. Claims 3-4, 7-8, 11-13, and 16-17 depend from one of the independent claims and include the limitations thereof. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

CONCLUSION

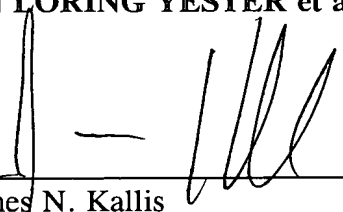
In summary, claims 1, 3-5, 7-9, 11-14, and 16-17, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

JOHN LORING YESTER et al.

By


James N. Kallis
Reg. No. 41,102
Attorney for Applicant

Date: May 29, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351